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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,698	01/22/2004	Paul B. Moody	260-010	5260
44185	7590	10/20/2008		
LOTUS AND RATIONAL SOFTWARE			EXAMINER	
David A. Dagg, Esq.			ABDUL-ALL, OMAR R	
44 Chapin Road			ART UNIT	
Newton, MA 02459			PAPER NUMBER	
			2178	
			NOTIFICATION DATE	
			10/20/2008	
			DELIVERY MODE	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

Office Action Summary

Application No.

10/762,698

Applicant(s)

MOODY ET AL.

Examiner

OMAR ABDUL-ALI

Art Unit

2178

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The following action is in response to the response filed June 30, 2008. Amended Claims 2-10 are pending and have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-5, 7, and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Canfield et al. (US 7,127,685).

Claim 4: Cadiz discloses a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user, comprising:

- a. obtaining an online status of a remote computer system user (column 12, lines 1-15);
- b. presenting an indication of said online status of said remote computer system user (column 12, lines 1-15);
- c. obtaining an updated status message (busy, available) associated with said remote computer system user, wherein said updated status message includes personal detail information and activity information regarding said remote computer system user other than said online status of said remote computer system user (Figure 8B).

Specifically, Cadiz discloses indicating the number of unread emails a user has (personal detail information) and discloses the time since a user was available across a plurality of communication channels including in person (activity information other than online status).

d. modifying indication of said online status of said remote computer system user to include an indication that said updated status message is available, wherein said modifying does not present said updated status message (column 37, lines 46-60). Cadiz discloses changing a picture representation of a remote user from facing the screen to profile when the status changes from available to busy.

Cadiz discloses presenting said updated status message to a local user of said local computer system.

Cadiz does not explicitly disclose removing said indication that said updated status message associated with said remote computer system user is available responsive to said presenting of said updated status message. Canfield discloses providing an indication of a new message from another contact, and removing the indication that the message is available after the user has viewed the new message (Column 10, lines 35-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to remove a visual indication that an updated status message is available responsive to presenting the message in Cadiz, because removing an indication that a new message is available was recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to remove the indication of a new status message after presenting the new status

message in order to allow the local user to determine when subsequent new status messages for the remote user are available.

Claim 3: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, and Canfield further discloses presenting said updated status message to said local user of said local computer system in response to said local user selecting said representation of said remote computer system user (Figure 6).

Specifically, Canfield discloses presenting a status message of a selected contact (623d). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present an updated status message to a local user in response to the local user selecting a representation of a remote computer system user in Cadiz. One would have been motivated to present an updated status message in response to a local user selecting a representation of said remote user in order to provide an indication of online status when desired.

Claim 5: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, and Cadiz further discloses said representation of said remote computer system user is maintained by said awareness client application process on said local computer system (column 12, lines 1-15).

Claim 7: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, and Cadiz further discloses said online status of said remote computer system user includes an indication of whether said remote computer system user is available for an instant messaging communication session (column 12, lines 1-15).

Claim 8: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, and Cadiz further discloses providing an indication that a new status message is available. Neither reference explicitly discloses presenting said indication that said updated status message associated with said remote user is available for a predetermined time after obtaining said updated status message. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the indication of a new status message for a predetermined time. One would have been motivated to limit the time an indication of a new status message is available because after a number of hours, the status message may change and a new indication would need to be provided.

3. Claims 2 and 6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Canfield et al. (US 7,127,685) and further in view of Kontny et al. (US 2004/0183829).

Claim 2: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, but neither reference explicitly discloses presenting an updated status message to the local user of said local system in response to hovering the cursor over the representation of the remote user. Kontrny discloses a similar system for a dynamic collaboration assistant that further discloses hovering over a respective contact in the instant message buddy list using a mouse generates a GUI that contains contact information. This information may incorporate current availability (page 5, paragraph 47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hovering function to display status information of a remote user. One would have been motivated to present a status message of a remote user by using a hovering function for quick access of profile information.

Claim 6: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above but neither reference explicitly discloses said representation of said remote user is an awareness object within a display associated with an application process on said local computer system other than said awareness client process. Kontrny discloses a similar system for a dynamic collaboration assistant that further discloses the representation of said remote computer system user is displayed in a messenger service application and a web server application (page 3, paragraphs 27

and 34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a user may be represented in another application process other than the original awareness client process in Cadiz. One would have been motivated to display the representation of a user in another awareness application process in order to keep track of other users who may not be using the original awareness application, but are logged into an email application that allows instant messaging.

3. Claims 9 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Canfield et al. (US 7,127,685) and further in view of Godefroid et al. (US 6,697,840).

Claim 9: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, but neither reference explicitly discloses presenting an interface to the local user to indicate whether an indication of that an updated status message associated with said user is available is provided to others. Godefroid discloses a similar method and apparatus implementing presence awareness in collaborative systems, that further discloses that queries regarding the private data of a user, for example, whether the user is available, can be allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify whether the updated status message in

Cadiz is allowed to be accessed by remote users. One would have been motivated to specify if a new status message is available for privacy purposes.

Claim 10: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4, but neither reference explicitly discloses presenting an interface to said user wherein said interface enables said user of said local computer system to specify one or more other users with which an indication that an updated status message associated with said user of said local computer system may be presented. Godefroid discloses a similar method and apparatus implementing presence awareness in collaborative systems, that further discloses presenting an interface to a local user that enables said user to specify one or more users with which access to private data [updated status message] is to be allowed or disallowed (column 6, lines 12-18).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify which users may be presented with an indication of a new status message. One would have been motivated to specify which users can view an indication of a new status message for privacy purposes.

Response to Arguments

5. Applicant's arguments filed June 30, 2008 have been fully considered but they are not persuasive.

Claim 4: Applicant argues the cited references do not teach or suggest "any system or method that includes obtaining an updated status message associated with a remote computer system user, wherein the updated status message includes detail information and activity information regarding the remote computer system user other than the online status of the remote computer system user".

It is respectfully submitted that Cadiz discloses the limitations disclosed above. Specifically, Cadiz discloses indicating the number of unread emails a user has (personal detail information) and discloses the time since a user was available across a plurality of communication channels including in person (activity information other than online status).

Applicant argues the cited references do not teach or suggest "modifying an indication of an online status of the remote computer system user to include an indication that the updated status message associated with the remote computer system user is available, wherein the modifying does not present the updated status message (column 37, lines 46-60). Cadiz discloses changing a picture representation of a remote user from facing the screen to profile when the status changes from available to busy.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
10/14/2008

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Supervisory Patent Examiner, Art
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